

IN SENATE OF THE UNITED STATES.

MARCH 21, 1848.

Submitted, considered, and agreed to.

Mr. JOHNSON, of Louisiana, made the following

REPORT:

The Committee on Private Land Claims, to whom was referred the memorial of the Very Rev. Benedict Madéore, vicar general of the Catholics of Florida, and pastor of the Catholic church of St. Augustine, in Florida; and to whom was also referred the memorial of the trustees and members of the Catholic church of St. Augustine, report:

That both these memorials are upon the same subject, and pray the same relief, and were presented together to obtain the action of Congress, for the mutual benefit of the memorialists.

It is alleged by them, that on the transfer of the province of east Florida, under the treaty with Spain, of 1819, which transfer took place at St. Augustine, in 1821, certain real estate and buildings, which of right belonged to the Catholic church of East Florida, were taken possession of by the United States, as being public property of the crown of Spain, and, by the treaty, transferred to the United States. This property comprises what is now called the military barracks, and the barracks lots, and other lots in said city, particularly described in the documents filed with the petitions. These barracks are now used by the United States for military purposes, and are of considerable value. Other buildings could not be erected to supply their place, and answer the purposes for which they are used by this government, it is supposed, for a sum less than sixty thousand dollars. Large sums, it is understood by the committee, have, since the transfer in 1821, been expended upon them to keep the buildings in good order and repair. Prior to the cession, the barracks had been occupied by the troops of the Spanish garrison always kept at St. Augustine, and they were so occupied at the time of the cession; but it is alleged by the memorialists that such occupation was not because they were claimed or considered as the property of the crown of Spain; and, on the contrary, it was with the consent of the rightful owners, (the church,) in consequence of the proper military barracks of the government of Spain, having been destroyed by fire. They allege the barracks, as they are now called, was a religious house, devoted to the purposes

of the missions of the Catholic church of Florida, and occupied as such, by religious orders of, and under the control and jurisdiction of said church, till such accidental destruction of the king's proper military barracks; when, without alienating their property in anywise, and for the convenience of the troops that were without quarters, and because there was no other proper building in the city, they voluntarily yielded their house to the government for such purpose. They allege such occupation was not intended to be perpetual, but that it was contemplated it would be temporary only; and that annual equivalents for its use, of the character of rents, in contributions, by the Spanish government, for religious and charitable purposes, under the management of the church in that city, were always yielded. The memorialists expressly state that the owners did not part with their title to the property in question, to the Spanish government; and that the Spanish government never did, and never intended to dispossess them of their property, or to keep possession of it, except temporarily, and by and with their consent. They contend that the possession taken by the United States was under a different, but mistaken supposition. They maintain, that the government officers, even if they examined the title, had no authority to decide it, and *then*, by a conclusion that it was the public military property of the king of Spain; take possession of it for the United States, and turn the occupation by the Spanish garrison, which was that of mere tenants to the true owners; into a possession under an adverse claim of title. And, they insist, that the United States, having no more rights than the king of Spain, their tenant; and the possession of the United States being, therefore, a mere continuance of such tenancy, neither by the common law, nor by the civil law, can the United States contest their title. They assert that the continued retention of possession, by the United States, of this property, has been wrongful, and they ask its restoration, or a just recompense, to its value, be made to them; and that they be paid also for its use whilst the United States have so occupied it.

If the circumstances of this case be correctly set forth, (and the documents filed give strong proof of their truth,) it is a case of wrong, which the integrity and honor of this government demand should be promptly redressed. Not only the redemption of the plighted faith of the Confederacy, in the treaty with Spain, by which the Floridas were ceded to it, but a proper regard for the reputation of this government for justice, and the proper fulfilment of the duty of protection to every religious denomination, not merely in the free exercise of their religion, but in the enjoyment of their property dedicated to church purposes, according to their rules or canons, (if there is no error in the allegations of the memorialists,) require the prompt action of Congress to repair the injury they have sustained from this government. It would be discreditable to this country, to retain possession of one foot of land, or any property, rightfully belonging to the Catholic church of Florida, and which had been devoted to religious purposes, however great the inconvenience of yielding it up, or however expensive it

might be to replace it to the United States. To keep by force, and without right, a house erected by a religious denomination or community, and for religious or eleemosynary objects, and to appropriate such house to military purposes, would be an exercise of the power and prerogatives of this government, that the people of the United States would not countenance.

The case should be strictly investigated; the documents thoroughly examined, and proper measures taken to obtain accurate and authentic information as to all the facts, and then, right should be done. It is necessarily presented *ex parte* to Congress, by the memorialists. It is out of the question for either House of Congress, or for a committee of either House, to decide properly on a case of this character, so presented. The proper law officers of the United States, presumed to be cognizant of the title of the United States, and of the evidence to sustain it, or who can obtain that evidence, and lay it before Congress, for its consideration, should make the investigation suggested.

The committee have examined all the papers, appended to the memorials, attentively. Some of the originals are in the Spanish language, and accompanied by what are stated to be copies of translations. These translations are not, however, verified. The committee recommend that the Secretary of the Senate be directed to cause said translations to be examined, and, if necessary, corrections made, and the same verified; and that the same, with the originals of all the papers, and the memorials, be printed for the use of the Senate.

And the committee further recommend, that the said memorials and papers be referred to the Solicitor of the Treasury, and that he be directed to examine the same, and investigate said claim fully, and procure authentic copies of all documents and papers relating to said case, in the public departments and offices, and all other testimony that he can procure in relation to the title of the United States to said property, and communicate the same to the Senate; and make full report as to the merits of such claim, as soon as practicable, during the present session; and a resolution to that effect is reported accordingly:

Resolved, That the memorial of B. Madéore, vicar general, and the memorial of the Trustees and members of the Catholic church at St. Augustine, Florida, and all the accompanying papers, be printed for the use of the Senate; and that the Secretary of the Senate cause the translations of papers filed, to be corrected and verified, before the same are printed; and all said documents to be transmitted to the Solicitor of the Treasury, who is directed to examine the same, and investigate said case, and procure copies of all documents and papers relating thereto, in the public departments or offices; and other testimony that he can obtain, relating to the title of the United States to the property claimed; and communicate the same to the Senate; and make report as to the merits of said case as early as practicable, during the present session.

To the honorable the Senate and House of Representatives of the United States of America, in Congress assembled.

The memorial of the Very Reverend Benedict Madéore, vicar general of Florida, and pastor of St. Augustine's church,

RESPECTFULLY REPRESENTS :

That before and at the time of the cession of the Floridas to the United States of America, by his Catholic Majesty the King of Spain, under the treaty of the 22d February, 1819, the Catholic church was the lawful and rightful owner of

1. Saint Augustine's church ;
2. The convent of Saint Francis ;
3. The bishop's house, and,
4. The Church of our Lady of the Milk.

That by the terms of the second article of the said treaty, all of the said property, being "private property," was reserved and excepted out of the property transferred to the United States ; and that by the terms of the fifth article of the said treaty, "the free exercise of their religion, without any restriction," was secured to the inhabitants of the ceded territories, by which not only the right to worship Almighty God according to the dictates of their conscience, but also the right to retain and hold all of their church property for the uses and purposes of their religion, was intended to be secured to the Catholics of Florida.

Your memorialist further shews that, according to the usages and constitution of the Catholic church, as set forth in the decrees, pars secunda, causa xvi, questio vii, and recognized by the council of Trent, sess. xxii. chap. 8, 9, and 11, churches and church property are generally held under the authority or control, that is, in the name of the bishop of the diocese, for the uses of the church, each bishop being a corporation sole, in his particular diocese ; which rule of discipline of the church hath been sanctioned in several of the States of this union, and particularly in Maryland, by act of 1832, chapter 308.

That this law of the church was always recognized by the Spanish government, the king being the protector of the church in the new world, and having caused an episcopal see to be approved by the Pope for the city of Havana, in the island of Cuba, whose jurisdiction extended over and included the Floridas.

That the order of the Franciscans was established in Florida, at the invitation of the bishop, to serve the missions there, with the approval of the Pope, the council of the Indias, and the king, and it was called the mission of St. Helena, the head-quarters being the Convent at St. Augustine.

That the said convent property was placed in the possession of the Franciscans, *for the time that they should, under the direction of the bishop, serve the missions*; but the "right of property" was always reserved to the bishop, for the uses of the catholic church of his diocese. It was kept in repair with the ecclesiastical revenues,

and not by the order of Franciscans. In the year 1764, when the Floridas were in the possession of the British, the convent, and the bishop's house, were sold without mention of the Order of the Franciscans, and purchased in private trust for the benefit of the true owners, and when the Floridas were again under the Spanish dominion, the convent was occupied by the missionaries who attended the mission, as *church property*, under the control of the bishop, to return to his direction, whenever for any cause the missionaries should cease to attend the missions.

In the confusion which occurred upon the cession of the Floridas by Spain to the United States, a part of this church property, was taken into the possession of other than the legal and equitable owners, and has so remained out of the possession of the Catholic body to the present time. It is well here to remark, that this misapplication of the private property of the Catholic body of the Floridas, and diversion from its proper uses, may have arisen in part from a mistake as to its true ownership; from the fact, that the convent was at the time occupied by the king's garrison and troops; but this *temporary* occupation of the church property by the military under the civil power, was entirely with the *consent* of the bishop, which consent was given because of the destruction of the king's barracks by fire, and *was never claimed as of right*. The explanation will be found more at large in the documents which accompany this memorial.

Your memorialist presents this his memorial, in his official capacity, as ecclesiastical Chargé, or vicar general of Florida, and in conjunction with the memorial of the catholics of the territory assigned to his charge; and he most respectfully prays, that your honorable body will, by act of Congress, provide for and direct the restoration of his church property so wrongfully withheld, or make such other compensation therefor, as in your wisdom may seem meet and proper; and your memorialist is prepared with proper documentary and other evidence to substantiate his claim, when, &c. And as in duty bound he will ever pray.

BENEDICT MADEORE.

[Feb. 8, 1848. Referred to the Committee on Private Land Claims.]

To the Senate and House of Representatives, in Congress assembled.

The undersigned, the Trustees and the members of the Catholic church of St. Augustine, in conjunction with its vicinity, beg leave

RESPECTFULLY TO REPRESENT:

That a large amount of valuable property belonging to the said church, of which a description will be found in the documents herewith sent, was, at the time of the cession of the Floridas, in 1821, to the United States, either through a culpable negligence, or a wilful disregard of the claims of its rightful owners, included in with the lots and buildings, and other public property, delivered

over to the United States government, by the Spanish authorities at the above period.

Your memorialists, therefore, relying on the generous toleration and equitable principles professed, and hitherto so nobly acted on, by the American government and people, herewith submit to your honorable body, the claims, and the proofs that establish their claims, to the property in question, and confidently trust to your justice, for a restitution of their rights. The urgent wants of the church, and the aggravated character of the wrong of which it complains, induce the undersigned, respectfully, to request the early attention of your honorable bodies to their claims, or the objects of this memorial, and to press for an early decision upon the same. And your memorialists, as in duty bound, will ever pray.

JOHN M. FONTANE,

President board of Wardens, R. C. C. of St. Augustine.

Pedro Benet,	}	<i>Wardens R. C. C. of St. Augustine.</i>	
Francis P. Ferreira,			
Jose E. Pomar,			Isabella Marin
Thomas Andrew,			John Pallicier
Antonio J. Noda,			Rophina B. R. Pallicier
Jos. S. Sanchez,			Florentina Pallicier
Manuel Crespo,			Florrene Pallicier
Antonio Solana,			Ciliclono Pallicier
F. Bridier			Mary Pallicier
Andres Papy			Venancio Sanchez
Cristobal Bravo			Fred'k. Houghton
Henry Thomas			Alonzo A. Bravo
Joseph P. Delespine			Manuela Bravo
Rophina Pallicier			A. B. M. Pacetty
Rosa Leonardy			C. P. Sanchez
Rosalia Leodardy			M. H. Rogero
Luciana Leonardy			Malana Papy
Jane Leonardy			Virginia Papy
Jane N. Lacy			Mathias Papy
Theodosia A. M. Leonardy			Ann Llambias
Laurean Munson			Barbara Llambias
Raphaela Usina			Chas. Haagar
Genobeba Usina			Florencia Haagar
Catalina Solana			Dominga Lopez
Enlogia S. Rogero			Mary Solana
Josefa Papy			Angelina Solana
Ana Papy			Isabella Thynne
Lasdila Reyes			Frances Solana
G. N. Papy			Mary R. Solana
M. Papy			Jane Purvis
John Canovas			Sarah Purvis
Antonio Canovas			Lorenzo Purvis
Antonia P. Marin			Benansio Purvis
Rosalia Marin			John Rogero
Geronima Solana			

Manuela Rogero
 Ramon Rogero
 Lauriana Ferreira
 Gabriel Pomar
 Mariana Pomar
 Margarita Pomar
 Maria Usina
 Jane Bugell
 Mary Andrew
 Joseph Andrew
 Petronilo Lopez
 Malana Lopez
 Bartolome Lopez
 Vicente Pacetty
 Margaret Pacetty
 Betruna Pacetty
 Mary Pacetty
 Mary Rogero
 Mary Canovas
 Landreu Andrew
 Antonio Rogero
 Anthony Pomar
 Mary Pomar
 Antonio Lopez
 Juana Triye
 Francis Triye
 Bartolo Pacetty jr.
 Bartolo Pacetty sen.
 Louisa Pacetty
 Rafaela Bayar
 Jane Bayar
 Dolores Bayar
 M. Fermina Garey
 Fecla I. Pacetty
 Merced B. Pacetty
 Rosalia Reyes
 Foustina Pacetty
 Mary Reyes
 Mary Ponce
 Mary Reyes, jr.
 Antonia Pallicier
 Clementine Sabate
 Mary Sabate
 Antonia Sabate
 Marcella Sabate
 Leonardes Palicier
 Anthony Palicier
 Juana A. Andrew
 Juan A. Andrew
 Margarita Pomar
 Rafaela Goff
 Ana M. Goff

Jane Goff
 Francis Pallicier
 Thom Pallicier
 Jane Hernandez
 Antonia Hernandez
 Mary Hernandez
 Diego Hernandez
 Diego Hernandez sen.
 Mary N. Avice
 Caroline Avice
 Alexander Avice
 Beatrice Pallicier
 Merceul Zelhmbar
 Mary Andrew
 Mary Andrew
 Honora Andrew
 Ildelfonso Andrew
 Mary Norris
 Pedro Capella
 Catherine Capella
 Catherine Capella jr.
 Anastasio Capella
 Hulia Capella
 Joseph Benet
 Maria C. Benet
 Clara E. Hurlburt
 Antonio Hitchcock
 Esteban Arnau
 Margarita D. Arnau
 John Carreras
 Francisco Carreras
 Gasparito Carreras
 Maria Carreras
 Antonica Lorenzo
 Mary Manusy
 Paula Ferreira
 Joseph Lopez
 Jane Lopez
 Paul Arnau
 Catherine Leonardy
 Catharine Leonardy, jr.
 Roque Leonardy
 Sabina Leonardy
 John Leonardy
 Mary Lopez
 Jane Lopez sen.
 Fernanda Oliveros
 Gabriel Maestro
 Agraphina Cercoply
 Fredrica Cercoply
 Clara Cercoply
 Peter Copy

Thomasine Hogan	Malina Hernandez
Manuel Andrew	Joseph Andreu
Gastina Andrew	Joseph Pacetty
Francisca Andrew	Juana Benet
Juan Andrew	Rafael Benet
Geronimio Andrew	Francisca Gonzales
John Andrew	Antonio Andreu
Bartolo Segui	Severina C. Andreu
Margarita Segui	James Hernandes
John Capo	Dominge J. Hernandez
Mary Capo	Anna Hernandez
John Capo	Estanislada T. Benet
Benansia Capo	Maria C. Benet
Cloudia Capo	Antonia Alvarez
Rafaela Cammel	Jacob Toras
Jane Cammel	Joseph Barbara
Catherine Cammel	Frances Hernandez
Mary Pacetty	Demetrio Salas
Domingo Cercopoly	Frances Salas
Antonia Manusy	Andres C. Pacetty
John Segui	Catalina A. Pacetty
Jane Segui	Eml. J. Medicis
Jose Bayar	Josephine Medicis
Catalina Bayar	Juan S. Pacetty
Joseph Manusy	Fecla Y. Pacetty
Juana Manusy	Petronilo R. Lopez
Magarita Martin	Mary I. Lopez
Juana Manusy, jr.	Catalina Aguiar
Joseph Manusy jr.	Eusebia Russell
Maria Manusy	Eudorah Nelson
Felix Manusy	Mary A. Cooper
Manuel Manusy	Victoria Cooper
Diego Hernandez	F. Weedon
Juliana Hernandez	F. J. Weedon
Antonio Andreu	Wm. H. Weedon
Maria R. Andreu	John M. Manusy
Antonio Lopez	Go. B. Weedon
Maria Lopez	Jas. B. P. Haskins
Martina H. Pomar	Ann M. Hernandez
Gabriel Capo sen.	S. H. Williams
Margaret Capo	Jeremiah Hallisy
Jose Capo	Richard Dillon
Gabriel Capo jr.	Dennis Hallisy
Malina Capo	D. John Dioyre
Andres Pacetty	John Coloolle
Sally C. Mason	Ellen Dillon
Maria T. C. Mason	Francis Mone
Ann Mason	Zachariah J. Hogans
Elizabeth Smith	Jane Rany Linsey
Matilda Mason	Thomas Mone
Frances Lloyd	James Fagan

Joachim Roman
Thos. H. Mone
James Fagan
John Hallisy
Sarah Fagan
Charles Byrne
Henry Hartley
Henry F. Hartley
Susanah Hartley
Thomas Bowden
John M. Bowden
Mary Ann Bowden
Mary Z. Hogans
John M. J. Bowden

Charles Summers
Camila C. Sanchez
Clara Gracesca
Rafaela Papy
Josefa Gué
Joseph Noda
Felicia Y. Mitchell
Leocadia Gomez
John A. Rose
Mary B. Rose
S. P. Anderson
M. W. Beard
William P. Haskins
M. A. Haskins.

{ Isab. p. l. g. de Dios y la Const. }
 { Reyna de Esp. }

[SEAL.]

{ (STAMP.) }
 { Sello 30.—As. 1846 y }
 { 47. 2 Rs }

Sor. Alcl. Mayor 4o:

Pbro. D. Benedicto Madéore, cura y vico gral. de la yga. de Sn. Augustin la Florida, respetuante ante vs. dice: Que receutando p.a sa, yga. tener constancia autentica de la Cédula q.e inserta la adjunta obra titulada Cronica de la Orden de S. Franco. la cual le ha sido concedida p.r el actual Guardian del convento de esta ciudad, y se halla en la pag. 114 al numo. 177, asi como de la patente que le precede al p. 110, numo. 174, p.a q.e de ambos recados integros se le de testimo. en forma p.r uno, de los Escribanos publicos con las desmas legalizciones de estilo, cree el exponente indispensable la autorisacion judicial, áfin de q.e se le ministre con la economica posible, toda la ver que se versa sobre el sevicio de una yga. pobre; en cuya virtud.

A. V. S. supca. Se sirva acceder a lo q.e se solicita, acompañañda la obra á q.e se contrae, q.e se le devolvera, en lo q.e recibia merced. Haba. y Abril 9, de 1847.

BENEDICTO MADÉORE.

HABA., *Abril nueve de 1847.*

De se el testimo q.e se solicita en el orden q.e corresponde.

PADILLA.

Patente del reverendisimo padre, comisario general de Yndias, Fray Bernardo de Salva, sobre los conventos de Bayamo y Cuba.

Fray Bernardo de Salva, padre de la provincia de Cataluna, comisario general de las Yndias, con plenitud de potestad por nuestro reverendisimo padre fray Arcangelo de Mesina, ministro general de toda la Orden de nuestro padre San Francisco.

Al padre fray Pedro Ruiz, sacredote y confesor, salud y paz en el Señor.

Habiendo algunos años, que pasó V. R. á la custodia de la Florida, tocado de la centella del divino amor y lo del aprovechamiento de las almas de aquellos infieles con Espiritu, y deseo de reducirlos, y traerlos al gremio de la Santa Madre yglesia Romana y conocimiento de la Fé Catolica, y de hacerles capaces, y obedientes á los mandamientos de Dios, con la confesion de los sacramentos, sacandolos de la ceguedad, y esclavitud del Demonio; y habiendo con su doctrina, cristiandad, y buen ejemplo hecho muchos servicios á nuestro Señor en aquella tierra, como por

{ [SEAL.] Isabel Second, by the grace of God and the Constitution, Queen of Spain.	{ (SATMP.) 3d stamp—1846-'47. 25cts.
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To the principal (4th,) Alcalde or Judge:

The presbiter Benedict Madeore, pastor and vicar general of the church of Saint Augustine, in Florida, respectfully sayeth: That the interest of his church requires an authenticated copy of the royal ordinance, which will be found inserted in the accompanying work, entitled, "Chronicle of the Order of Saint Francis," which has been conceded to him by the actual guardian of the convent in this city, and will be found on page 114, of number 177. In like manner, he requires a copy of the patent which precedes the foregoing, found at page 110, number 174.

Your petitioner believes it indispensably necessary that the judicial power should interpose and authorize true copies of both articles to be made out, with all the formalities required by law, by a public notary, to the end that it may be furnished with that economy usual in all cases where the service is rendered to a poor church.

He begs that you will be pleased to accede to his solicitation, and that the accompanying work may be returned to him, for which favor, he will be obliged.

BENEDICT MADEORE.

HAVANA, April 9, 1847.

Give the copies required, with all the formality the law requires.

PADILLA.

HAVANA, April 9, 1847.

Patent of the most Reverend Father, commissary general of the Indies, Friar Bernardo de Salva, over the convents of Bahama and Cuba.

Friar Bernardo de Salva, father of the province of Catalonia, commissary general of the Indies, with full power through our most reverend father friar Archangel de Mesina, the general minister of the entire order of our father St. Francis.

To the father friar Peter Ruiz, priest and confessor, health and peace in the Lord.

Some years have elapsed since your reverence went to take charge of Florida, being touched by a spark of divine love to seek the salvation of the souls of those infidels, and animated with a spirit and desire to bring them into the fold of our holy mother the Church of Rome, by making them acquainted with the Catholic faith, and thus make them capable of understanding and obeying the laws of God, acknowledging his sacraments, removing them from the blindness and slavery of the devil, and having, by your doctrine, christianity and good example, rendered many services

el leiones de personas fidedigans consta a por testimonio y cartas del gobernador, Pedro de Ybarra; y habiendo venido á nuestra preferencia para pedir, y suplicar á S. M. y á su real consejo de las Yndias, que se doliesen de aquellas almas redimidas con la Sangre de Cristo, que por falta de ministros del Evangelio, pasan naufragio por la ignorancia de ley, perecen, y se mueren viejos sin sacrementos, y ninos sin el baptismo; y atendiendo al grande afecto de animo, que V. R. hapuesto en la prosecucion de esta tan Santa obra, y á su mucha religion, celo, y prudencia en las cosas de observancia de nuestro estado, y profesion, le handado licencia para llevar ciertos religioso, de los cuales por orden de S. M. le hemos hecho comisario, para que los que conocier ser á proposito para aquella tierra los lleve consigo, como por otra patente particular para esto consta. por tanto deseando el bien, y aumento de nuestra religion, y que las cosas de ella vayan de bien en mejor, y habiendo consultado con algunos religiosos de buena conciencia, y satisfaction practics en aquella tierra, y ultimamente con los padres de la orden congregados de San Juan de los Reyes de Toledo, a catorce de Junio, de mil seiscientos y nueve; y habiendoles parecido no solo conveniente, pero muy del servicio de nuestro Señor, que el convento de la Habana, Santiago de la Ysla de Cuba, y el del Bayamo se tovasen al gobierno de este officio, por estar tan lejos de prelado, que les pueda mirar con propios ojos, y proveer de remedio en las cosas que lo pidieren, como estuvo en tiempo del padre fray Francisco de Guzman nuestro antecesor, y que asi para el bien particular de la religion, como por otros particulares, y justos respectos convenia, que los dichos conventos se juntasen con los de la Florida, y de todos se hiciese una y muy buena honrada custodia, que esté inmediatamente aneja á este officio, gobernandola de aqui, y proveyendola de prelados, y sudditos, y de todo lo que conviniere para la edificacion, aumento y conservacion, asi de lo corporal, como de lo espiritual; y que efectuandose esto, se conseguirá conmas facilidad el fin deseado, que es la paz y concordia con los gobernadores, que por no haberla havido los años atrás, han sucedido muchos inconvenientes, los cuales, cesaran con poder mudar un religioso de la Florida á la Habana, y se cobrara el buen nombre, y reputacion, Dios sera servido, el pueblo y tierra edificado, y la religion aprovechada, y que S. M. y su real consejo de las Yndias, tendrán esto por mas acertado gobierno, y le será grata la resolucion de este negocio, confiando mucho de su cristiandad, prudencia, y rectitud, y que bien, y fielmente harán lo que fuere servicio de nuestro Señor, y

to our Lord in that country, as appeareth from the information of many creditable persons, as well as from the letters of the governor Peter Ibarra, and having come to seek our preference to the end that we should invoke and supplicate his majesty and his royal council of the Indies to take pity upon, and compassionate the situation of those souls who, redeemed by the blood of Christ, are likely to suffer shipwreck for want of ministers of the Gospel to dispel their ignorance of the law, under which the aged die and perish without the sacraments, and the children without baptism.

Taking into consideration the zealous spirit which animates your reverence in the prosecution of this holy work, your profound religion, and the prudence which you observe in everything relating to our State and profession; the liberty of carrying with you certain religious persons, has been conceded to you, over whom we have made you commissary, by order of his majesty; you will, therefore, select such persons as you may deem proper for that duty, and take them with you, for which purpose another special patent shall be given to you. Desirous of the prosperity and advancement of our religion, and that everything appertaining thereto may proceed from good to better, we have consulted with some religious persons of good conscience and practical experience in the affairs of that country, and particularly with the fathers of the congregated order of St. John of Toledo, on the fourteenth day of June, one thousand seven hundred and nine; and it having appeared to them not only, but necessary to the service of our Lord, that the convents of Havana, St. Jago de Cuba, and the Bahamas, should be taken under the government, of which commissary, because they are distant from any prelate who may personally watch over them, and provide the proper remedies to such evils as may present themselves, as was the case in the time of father friar Francis Guzman, our antecessor. We esteem it convenient for the particular good of religion as well as for other particular and just reasons that the aforementioned convents should be united to those of Florida; and, from the whole thus united, a good and honored custody, or charge, should be formed, which shall be subject to this office, from whence it shall be governed and provided with prelates, subjects, and everything that may be necessary to the edification, augmentation, and conservation of it, both in a corporal and spiritual sense; this being effected, we will obtain, with more facility, the desirable object of restoring peace and concord between their different governors; among whom, for want of this measure, many differences have arisen, all of which will cease with the introduction and exercise of power to remove religious persons from Florida to Havana, by which the good name and reputation of the different convents will be recovered, the service of God promoted, the people and country edified, and religion advanced. His majesty and his royal council of the Indies, will esteem this to be the best mode of government, and he will cheerfully ratify and confirm it. Confiding in your piety, prudence, and rectitude, that you will, well and faithfully, labor in the service of our Lord,

descargo de nuestra conciencia en lo que toca al buen gobierno, y aprovechamiento de los Naturales; por la presente en la mejor forma, y manera, que podemos, y derecho devemos, nombramos, creamos, y elefimos á Vuestra Reverencia por custodio de la dicha nuestra custodia de Santa Elena de la Florida, á la cual desde luego unimos, aplicamos, é incorporamos el convento de San Salvador de la Habana, Santiago de la Ysla de Cuba, y el del Bayamo: y porque en esta Santa obra Vuestra Reverencia no pierda el merecimiento de la Santa obediencia, por ella, en virtud del espiritu Santo le mandamos, que con los dichos siete religiosos se parta para allá, y segun la gracia, y talentos, que le ha dado nuestro Señor ejercite su oficio; y para que mejor lo pueda hacer, in *utroque foro* le damos toda nuestra auotoridad, sobre los conventos, y doctrinas de la dicha custodia, conviene á saber el convento de la concepcion de Nuestra Señora en la ciudad de San Augustin, el convento de San Salvador de la Habana, el convento de Santiago de la Ysla de Cuba, el convento de Nuestro Padre San Francisco del Bayamo, el convento de Santa Catalina de Guale, el convento de la Ysla de San Pedro, el convento de San Juan del Puerto, el convento de San Buenaventura de Guadalquivi, el convento de Santo Domingo de Asao, el convento de San Antonio de Guadulce, el convento de Santa Ana de Patano, y sobre todos los religiosos de ellos, asi subditos, como prelados, para que en virtud de esta nuestra patente les pueda consolar, y acariciar, corregir, castigar, ligar con censuras, y absolver de ellas, y encarcelar, y sacar de la carcel en casos leves con sola su autoridad, y en los graves con consejo de los Definidores, desterrar, y reducir, privar, suspender, y habilitar, recibir novicios en el convento de San Agustín, y en el de la Habana, y admitirlos á profesion; fundar conventos de nuevo, precediendo licencia de S. M. y de su real consejo de las Yndias, y de prelado obispo, ó Arzobispo en las partes, y lugares donde entendiere, que será mas conveniente. Hacer constituciones, mudar Frailes de un convento á otro, dar licencias para ordenes, invocar capitulo á su tiempo, presidir en el, y hacer eleccion, y selecciones de definidores, guardianes, instituir confesores, y predicadores, y los demas oficios, y hacer, disponer, y concluir todo lo que fuere necesario al buen gobierno de la dicha custodia, reformation de lo caído, y conservacion de lo perfecto; aumento de la pura observancia de nuestro estado, y regla, teniendo gran advertencia, que en las doctrinas se pongan frayles de ejemplo, y virtud, y que á lo menos puedan confesar en la lengua, y lo principal sin codicia; pues los hijos de nuestro padre San Francisco tan agenos, y limpios debemos estar de ella, guardando en todo lo ordenado por el concilio Tridentino, y lo que disponen las constituciones generales de la orden, y las particulares de la custodia; y lo hace

and satisfy our conscience in regard to the good government and careful attention to the interests of the natives, we do, by these presents, in the best form and manner we can, and of right ought to do, nominate, create, and elect your reverence as director of our aforesaid custody, or charge, of St. Helen, in Florida, to which, from this moment, we unite, apply, and incorporate the convent of St. Saviour, of Havana, Santiago of the island of Cuba, Bahama, and, in order that your reverence may not lose the merit of, or be undeserving of that holy obedience which this work requires, we, by virtue of the Holy Ghost, command you to depart for that country with the seven religious persons mentioned, and there, according to the grace and talents with which God has endowed you, discharge your official duty. In order that you may better be enabled so to do, we give you, in *utroque foro*, all our authority over the convents and religious meetings comprised within the aforementioned custody, or charge, viz: The convent of the Conception of our Lady in the city of St. Augustine, the convent of St. Saviour, in Havana, the convent of St. James, in the island of Cuba, the convent of our father St. Francis, in Bahama, the convent of St. Cataline, of Guadaloupe, the convent of the island of St. Peter, the convent of St. John of the Port, the convent of St. Bonaventure, of Guadalquiver, the convent of St. Dominick, of Asao, the convent of St. Anthony, of Guadulce, the convent of St. Ana, of Patano, and over all the religious persons contained therein, both subjects and prelates, to all of whom, by virtue of this patent, you can console, caress, correct, punish, bind and censure, and absolve them therefrom, and to imprison and take them out of prison by your own authority in trivial cases and in grave cases, by and with the consent of your definitive councillors; to banish, and reduce, deprive, suspend, and restore; to receive noviciates in the convent of St. Augustine, and that of Havana, and admit them to profess. To found new convents, with the previous permission and license from his majesty and his council of the Indies, and with the consent of the prelate, bishop, or archbishop of the port or place understood to be most convenient. To make constitutions, to change friars from one convent to another, to give permission to take orders, to invoke a chapter at the proper time, over which you will preside, to make election or elections of definitive councillors, guardians, institute confessors and preachers, and all other officers. To do, dispose, and conclude all that may be necessary to the good government of the said custody, or charge, to the reformation of the fallen, and conservation of those who are perfect. To increase the rigid observance of our State and regulations. Having great care to place in all religious meetings, friars of the most exemplary virtue, who may be able to hear the confession of penitents in their own language, and be particular that they be not avaricious, for the sons of our father St. Francis should eschew that vice, and keep themselves free and clean from it, observing, with exactitude, all that is ordered by the council of Trent, as well as all that is ordered by the general constitution of the order, and constitution of the particular custody, or charge, to which we belong. We

mos á V. R. y á los religiosos de ella, inmediatos á Nos, y á nuestros sucesores, sin que ningun superior inferior Nuestro se entremeta en su administracion, y gobierno: para cuya debida ejecucion exortamos, y á mayor merito mandamos por Santa Obediencia en virtud del espiritu Santo, y pena de escomunion mayor al guardian, y frayles de nuestros conventos de la Habana, Ysla de Cuba, y del Bayamo, como el custodio, difinidores, y demas religiosos de nuestro convento de la Florida, obedescan á V. R. en todo y por todo, como á su legitimo prelado y custodio criado por Nos, para la reformacion, bien, y aumento de la religion en la dicha custodia, sin que se ponga impedimento, ni estorvo por los provinciales de la provincia del Santo Evangelio de Mejico, Santo Domingo de Venezuela, por nuestros comisarios generale, ni por otra persona alguna, á los cuales, y á cada uno de ellos, mandamos por la misma Santa Obediencia, y sopena de escomunion mayor tengan los dichos conventos de San Salvador de la Habana, Santiago de la Ysla de Cuba, y San Francisco de Bayamo por desunidos, divididos, y separados de las dichas provincias, y por aplicados, unidos è incorporados á la dicha nuestra custodia de Santa Elena de la Florida con las Fundaciones, mandas, limosnas, que al presente tienen, y tuvieren de aqui adelante, y á V. R. por su prelado, y custodio, á quien, y á sus sucesores toca y pertenece el gobierno y administracion de ellos, y de lo demas de la dicha custodia.

Dada en San Francisco de Madrid á diez y ocho de Noviembre de mil, seiscientos, y nueve años, firmada con el sello mayor de nuestro oficio, y refrendada de nuestro secretario, fray Bernardo de Salvà, comisario general de Yndias.

Por mandado de Nuestro padre Reberendisimo; fray Diego de Cecilia, secretario.

Cedula de su Magestad, para que los conventos de la orden fundados por otras provincias en la Ysla de Cuba, se den á la custodia de Santa Elena de la Florida.

El Rey. Todos y cualesquiera mis jueces, y justicias de las islas, y provincias, que se comprenden en las Yslas de Barlovento, y demas partes de mis Yndias Occidentales, y cada uno, y cualquiera de vos en vuestra jurisdiccion. Sabed que por parte del comisario general de las Yndias de la Orden de San Francisco, que reside, en mi corte, se me ha hecho relacion, que por causas, que á ello movieron, se acordó en la ultima congregacion general de su orden, que se tuvo en la ciudad de Toledo, que se hiciese una custodia de los conventos de las provincias de la Florida, y de la Ysla de Cuba, que antes eabants separados; que el cumplimiento de ello habia mandado poner en ejecucion por una patente suya dada en Madrid á diez y ocho de Noviembre del año pasado de mil, seiscientos, y nueve, suplicandome, que para que esto pueda tener el buen efecto, que conviene, le mandase dar mi cedula, para que por vuestra parte lo favorecie-

make your reverence and those religious persons within said custody, or charge, near or next to us and our successors, and will not permit any person, either superior or inferior to you, to meddle with, or disturb, your administration, or government; and, for the faithful observance of this, we exhort, or, to give it more force, we command, by virtue of the Holy Ghost, the perfect obedience, under pain of excommunication, of the guardian and friars of our convent, in Havana, and island of Cuba, of the Bahamas, as well as the director, or superintendent, of our convent in Florida, to the end that they obey your reverence in all and for all, as their legitimate director or superindendent created by us, for the good and augmentation of religion in and within the limits of said custody, or charge. Nor shall any impediment, or embarrassment, be offered to you by our provincial of the province of the Holy Evangelist of Mexico; nor by him of St. Dominick, in Venezuela; nor by our commissary generals; nor by any other person whatsoever; to all of whom we command by the same holy obedience, under pain of major excommunication; that they consider the aforesaid convents of the Saviour, in Havana, St. James, of the island of Cuba, and St. Francis, in Bahama, to be disunited, divided, and separated from their respective provinces; and applied, united, and incorporated to our said custody, or charge, of St. Helen, in Florida; together with the foundations, commands, and alms, which they at present have, or may have hereafter, and of which your reverence is the prelate, or director; to whom and to your successors it belongeth and appertaineth to administer upon and govern them, as well as everything else within the limits of your custody, or charge.

Given in St. Francis, in Madrid, this eighteenth day of November, one thousand six hundred and nine years, signed with the great seal of our office, and countersigned by our secretary friar Bernard Salva, commissary general of the Indies.

By order of our most reverend father friar James Cecilia, Secretary.

Royal order of his majesty to annex to the custody or charge of St. Helen, in Florida, the convents on the island of Cuba, which were founded by, and hitherto attached to, other provinces.

The king, to all and every one of his judges and justices in the islands and provinces in the Windward Islands and other parts of his Indies in the west, to each and every one of you in your proper jurisdiction: Know ye, I am informed by the commissary general of the Indies, of the order of St. Francis, who resides in my court, that, for causes by which they were incited, it was determined in the last general meeting of the order, held in the city of Toledo, that there should be made a custody or charge of the convents of Florida and the island of Cuba, which were heretofore separated; in compliance with that determination, their patent has been issued in Madrid on the eighteenth day of November of the past year,

sedes; y habiendose visto por los del mi consejo de las Yndias juntamente con la dicha patente, que originalmente se presentó en el, mi ha parecido ordenaros, como por la presente os lo ordeno, y mando que todos, y cada uno, y cualquier de vos en vuestra jurisdiccion, como dicho es, deis al padre fray Pedro Ruiz de la dicha Orden de San Francisco, custodio nombrado por la dicha patente todo el favor, y ayuda en lo que se le ofreciere, y hubiere menester para su mejor cumplimiento, que de ello me tendré por servido. Fecha en Selina, á cinco de junio de mil, seiscientos, y diez años. Yo el Rey, Por mandado del Rey Nuestro Señor, Juan Ruiz de Contreras.

Es conforme á sus originales que se hallan colocados á la pagina ciento diez numero ciento setenta y cuatro, y pagina ciento catorce numero ciento setenta y siete de un libro impreso que setitula Chronica de la Religion de N. P. S. Francisco, libro primero Capitulo Veinte cinco, cuyo libro contiene al principio las aprobaciones y licentia competentes, suci fhas. en Madrid á nueve, y diez y nueve de Mayo de mil Setecinetos cincuenta y cicinto y en Roma a Veinto y seiz de Februro, y viente de *Marzo de mil Setecinetos cincuenta y seis, el cual me fué puestro de manifesto á efecto de sacar el presente testimonio que encumplimento de lo mandad padre el mo. alcalde, mayor, cesant Dr. Ramon Padilla, signo y firmo en la Habana á doce de Abril de mil Ochocientos cuarenta y siete renglones-ciento vale.

JUAN DE ENTRALGO,
Secreto. Hono. de S. M.

Los escribanos dela Reyna Nuestra Señora (Q. D. G.) que signamos y firmamos certificamos y damos fé: que D. Juan de Entralgo, por quien aparece autorizado el testimonio que antecede, es secretario honorario de S. M. y escribano publico del numero de esta ciudad, fiel, legal, y de confianza; y á sus semejantes siempre se les hadado y doi enterar fê y credito en ambos juicios. Y para constancia damos la presente sellada conel de Nuestro Real Colegio en esta siempre fidelisima ciudad de la Habana á trece de Abril de mil ochocientâ cuarenta y siete.

FRANCISCO DE ESCOVEDO, [L. s.]
MAN. VIDAL ALARCON, [L. s.]
FELIX LARRIN, [L. s.]

CONSULATE OF THE UNITED STATES,
Havana, April 28, 1847.

I, Robert B. Campbell, consul of the United States of America for the city of Havana, do hereby certify that Francisco de Escovedo, F. V. Alarcon, and Felix Larrin, whose signatures appear to

one thousand six hundred and nine, and in order that it may be carried into full effect my royal order is required, in order that you, on your part, should sustain and support it; the said determination has been submitted to my council of the Indies, together with the original patent. It has appeared to me proper to order and command you, as I do by these presents order and command you, each and every one in your appropriate jurisdictions, to give to the aforesaid father friar Peter Ruiz of the said order of St. Francis, nominated director or superintendent by the said patent, all the favor and aid which he may require or find necessary for the better fulfilment thereof, by which I will consider myself well served. Given in Selma on the fifth day of June, one thousand six hundred and ten years.

I, the king, by order of the king our Lord, John Ruiz, Contreras.

The foregoing is a true copy of the original which is found located at page one hundred and ten, number one hundred and seventy-four, and page one hundred and fourteen, number one hundred and seventy-seven of a printed book, entitled "Chronicles of the religion of our father St. Francis," twenty-fifth chapter of the first book; which book contains, at the beginning, the appropriate approbation and licenses, dated in Madrid on the ninth and nineteenth day of May, one thousand seven hundred and fifty-five, and in Rome the twenty-sixth day of February, and twentieth of March, one thousand seven hundred and fifty-six, which was placed before me in order that I might extract from it this certified copy in compliance with the order of the major alcalde or judge Ramon Padilla, which I sign and seal in Havana, this twelfth day of April, one thousand eight hundred and forty-seven.

JOHN ENTRALGO,

Honorary Secretary of her Majesty.

The notaries public of the queen our lady, (whom may God preserve,) who sign and seal beneath, certify, and give faith, that John Entralgo, by whom the foregoing was authorized and sealed, is the honorary secretary of her majesty, and one of the public notaries of this city, and to his acts, as such, full faith, credit, and confidence, have always been given in both tribunals. In order that it may so appear, we give these presents, sealed with the seal of our royal college, in this ever faithful city of Havana, on the thirteenth day of April, one thousand eight hundred and forty-seven.

FELIX LARRIN,
MAN. VIDAL ALARCON,
FRANCISCO ESCOVEDO,

[S. L.]
[S. L.]
[S. L.]

CONSULATE OF THE UNITED STATES,
Havana, April 28, 1847.

I, Robert B. Campbell, consul of the United States of America for the city of Havana, do hereby certify that Francisco de Escoveda, M. V. Alarcon, and Felix Larrin, whose signatures appear

to the foregoing certificate, are notaries public of the Royal College of Notaries Public of the the city of Havana.

In testimony whereof, I have hereto set my hand and affixed my seal of office, at Havana, on the day of the date above
[L. s.] written.

ROBERT B. CAMPBELL.

Al Govr. de la Havana, con fha de 22 de Marzo, de 1737.

MUI SENOR MIO:

El propio dia (todavia desde el Castillo) le requeri tercera vez en nombre de S. M. reproduciendo y esforzando los dos antecedentes, con lo que viniéron los oficiales Rs. á enterarse del motivo de mi venida y Rs. ordenes; y habiendolas reconocido estos ministros le llevaron copia en cuya vista tomó la atentada resolucion de refugiarse en el Convento de San Francisco, y aunque no me faltó este aviso de acuerdo con dho Yllmo. Señor Obispo no procedi a aquella hora a diligencia publica alguna por ser de noche, y estar todavia el Pueblo en confusion y aun en vandos no obstante que temia alguna fuga ú ocultacion de sus bienes, por lo que di algunas ordenes secretas á los oficiales que fueron biniendo poco a poco en virtud de la carta de V. S. que les remiti y otros que sagazmente fui ganando.

Y considerando las perniciosas consecuencias que debian esperarse acia el Servicio de ambas Magestades (de que no pueden ocultarse á la alta comprehension de V. S.) si el dho Dn. Francisco hiciese fuga (en observancia de la instrucion) mande al Capitan Dn. Phelipe Yturrieta con veinte y quatro granaderos que cercasen el Convento é incontinenti libre suplicatorio á Su Yllma. á fin de que me allasse la inmunidad para extraer de ella á el enunciado, y habiendole requerido su Ylla. segun su obligacion respondió que no estaba refugiado, sinó que un accidente le tenia alli con otras razones cuya anfibologia ya afirmaba ya negaba su refugio. Toleré estos equívocos per espacio de quatro horas hasta que viendo se acercaba la noche, la ninguna seguridad del Presidio y demas graves inconvenientes que á V. S. no pueden ocultarse repeti el Suplicatorio á el Yllo. Señor Obispo y se consigué el allanamiento con el qual pasé al Convento y se me entregó el enunciado Dn. Francisco del Moral diciendo no lo hacia como refugiado sinó voluntariamente.

Dios Guarde a V. S. muchos años como deseo y he menester. San Augustin, de la Florida, y Marzo 22 de, 1737.

B. L. M. de V. Sa. su mas rendido y obligado servidor,

DON MANUEL JOSEPH DE JUSTIS.

Señor DON JUAN FRANCISCO DE GUEMES Y HORCASITAS.

the foregoing certificate, are notaries public of the royal college of notaries, of the city of Havana.

In testimony whereof, I have hereto set my hand and affixed [s. l.] my seal of office, at Havana, the day of the date above written.

ROBERT B. CAMPBELL.

To the Governor of Havana, under date of March 22, 1737.

MY DEAR SIR: * * * * *

The same day (still from the castle) I notified him again, a third time, in the name of his majesty, repeating and fortifying the two antecedent notifications upon which the royal officers came to inform themselves of the motive of my arrival, as well as the royal orders, and having recognized those ministers, they took a copy to him, in view of which he took the prudent resolution to take refuge in the convent of St. Francis; and, although I was not unadvised of this, yet, by virtue of an agreement with the most illustrious bishop aforesaid, I did not, at that hour, proceed to take any public measures against him, because it was night, and the town was in confusion, the people being yet collected in bands, I was not without fear that he might fly or secrete his property, for which reason I gave some secret orders to the officers, who gradually commenced to come over, in virtue of your letter, which I remitted to him; some others I gained by sagacious measures. * * *

In consideration of the pernicious consequences that might result to the service of both their majesties (which cannot be to the high comprehension of your lordship,) if the said Dr. should fly, (in obedience to your instructions,) I ordered Captain Philip Iturrieta, with twenty-four grenadiers, to surround the convent, and forthwith I despatched an official supplication to the most illustrious bishop, desiring him to waive the prerogative of the church immunity, in order that he might be taken therefrom; in conformity with his obligation, took him to task, and he answered that he had not taken refuge in the church; that he was there by accident; to which he added other equivocal reasons, sometimes affirming, and at other times denying that he had sought refuge. I tolerated these equivocations for the space of four hours, until, upon seeing that the night approached, the insecurity of the garrison, and other grave considerations, which will readily present themselves to your lordship, I repeated the supplication to the bishop, who suspended the churches immunity; upon which I went to the convent, where the said Francis Moral delivered himself up, saying he did it voluntarily, and not as a refugee. * * *

God preserve your lordship many years, is the wish and desire of your obedient servant, who kisses your hands. St. Augustine, in Florida, May 22d, 1837.

MANUEL JOSEPH JUSTIS.

TO JOHN FRANCIS GUEMES & HOREASITAS.

I, Antonio Alvarez, keeper of the public archives of East Florida, do hereby certify the foregoing to be a true abstract from a book on file in my office, in which are copied the official letters from the governor of East Florida to the captain general of the island of Cuba, from 1737 to 1741.

Witness my hand and seal of office, at the city of St. Augustine, State of Florida, this nineteenth day of November, A. D. [L. s.] one thousand eight hundred and forty-seven.

ANTONIO ALVAREZ, K. P. A.

[No. 1,010, Cua. La: 42, de Memorandum.]

[SEAL.]	(STAMP.)
{ Isab. p. l. g. de Dios y la Const. Reyna de Esp. }	{ Sello 3o.—As. 1846 y 47. 2 Rs. }

Escmo Sor. Yntendente de Escto. Supdte. General de Real Hacienda.

Pbro. Dn. Benedicto Madeore cura y Vicario general de la yglesia de San Agustin de la Florida, respetuosamente ante V. E. dice: Que necesita para sus fines particulares y de puro ministro, que por el archivero general de real hacienda se le provea en copia certificada de los documentos. qe. jurtifican haber sido vendidos en confianza, en el año de 1764, el convento de San Francisco la casa Episcopal, y la yglesia de Ntra. Sra. de la Leche de la provincia de San Agustin de la Florida, cuyos documentos obran originales en la depende. del archivo enunciado; proveyendose igualmente certificacion relativa á la enagenacion del solar y paredes de la yglesia nueva, hecha tambien en confianza, é insertandose á la letra así la declaracion del comprador, como cuanto conduzca al mayor esclarecimiento del asunto; en tal virtud.

Suplica se sirva acceder á la solicitud referida en la precedte. instancia, en lo qual recibira merced. Hab., y Mayo 14, de 1847.

Exmo Sor.

BENEDICTO MADEORE.

HABANA, 18 de Mayo, de 1847.

Informe el sor archivero gral.

(Rubric and initial of P. G. A.)

ESCMO SOR:

Entre los diferentes fechos del archivo particular de la Florida Oriental, ecsistentes en este gral. de real hacienda de mi cargo, se hallan les correspondientes á la comision que en el año pasado de 1763, confirió el Escmo. Sor. Conde de Riecla, gobernador y capitan

I, Antonio Alvarez, keeper of the public archives of East Florida, do hereby certify the foregoing to be a true abstract from a book on file, in my office, in which are copied the official letters from the governor of East Florida, to the captain general of the island of Cuba, from the year 1737 to 1741.

Witness my hand and seal of office, at the city of St. Augustine, State of Florida, this nineteenth day of November, anno domini one thousand eight hundred and forty-seven.

ANTONIO ALVAREZ.

[No. 1,010, Book 42, of Memorandums.]

<p>{ [SEAL.] Isabel Second, by the grace of God and the Constitution, Queen of Spain. }</p>	<p>{ (STAMP.) 3d stamp—1846-'47. 25cts. }</p>
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To the most excellent Paymaster General of the army, and Director General of the Royal Treasury.

The presbiter Benedict Madeore, curate and vicar general of St. Augustine, in Florida, respectfully appears before you and sayeth: That, for the particular and pure purposes of his ministry, he requests the keeper of the general archives of the royal treasury, may be instructed to furnish him with a certified copy of the documents, which prove that, in the year 1764, the convent of St. Francis, the Episcopal House, the church of our Lady of Milk, in the province of St. Augustine, in Florida, were sold, in confidence; which documents exist in the original, now among the aforesaid archives; and that, in like manner, he may be instructed to furnish him with a certification of the sale of the lot and walls of the new church, which was also made in confidence, inserting word for word the declaration of the purchaser, together with whatever may conduce to throw light on the subject. I beg that your excellency will be pleased to accede to the request set forth in this petition, by which I will receive a favor.

BENEDICT MADEORE.

HAVANA, May 14, 1847.

Let the keeper of the archives give information on the subject.
(*Rubric and initial of P. G. A.*)

HAVANA, May 18, 1847.

MOST EXCELLENT SIR: Amongst the different dates of the particular archives of East Florida, which now exist in these general archives of the royal treasury under my charge, are found that which appertains to the commission which the most excellent count of Ricla, governor and captain general of the island of Cuba, in

general de esta Ysla, al Sor. Don Juan Jose Eligio de la Puente, para que recojiese los efectos y propiedades, asi de S. M. como de los diferentes individuos particulares que quedaron en la ciudad de San Agustin; de cuyos antecedentes se deduce, que la evacuó en todas sus partes en el siguiente año, produciendo cuenta justificada de lo permutado vendido y conducido a este puerto con toda distincion y claridad.

Pero grandes dificultades le impidieron realizar tan de pronto como se requeria por el último tratado de paz con la Gran Bretaña, muchas de las propiedades asi del Estado como de los vecinos que habian emigrado á esta Ysla, y queriendo salvarlas todas antes que cayeran en poder de aquella nacion, como se declaraba por el artículo 20 de los preliminares de dicho tratado, estipuló con D. Juan Gordon, traspasarle en confianza, el dominio de la casa Episcopal, por la cantidad de mil pesos fuertes, el convento de San Francisco por mil quinientos, y la yglesia de Nuestra Sra. de la Leche por trescientos; y con D. Jesse Fish el solar y paredes de la yglesia Nueva por cien pesos, lo mismo que todas las casas y Solares de los vecinos al Sud y Norte, desde la portada de la de los goberdadores, suscribiéndose por ambos compradores la obli-cion en que quedaban de venderlas por cuenta del Estado y de sus dueños, y declarando no haber pagado cosa alguna al Comisionado Eligio de la Puente.

Así consta de los instrumentos originales, otorgados por Gordon y Fish, en 20 y 28 de Julio, de 1764, de los que el Sor. esponente pide copia certificada; y si V. E. no tuviere inconveniente, podrá servirse disponer se le faciliten, ó determinar lo q. fuere desu su por. agrado. Archivo gral. 19 de Mayo, de 1847.

NATTES.

HABANA, 20 de Mayo, de 1847.

Atendido el precedente informe vuelva este espedte. al archivo gral. para que á continuacion espida la certificacion solicitada pr. el promovente á quien la entregará.

VILLANUEVA.

Don Jose del Rosario Nattes, Yntendente honorario de Provincia, y Archivero general de Real Hacienda de la Ysla de Cuba, y de su Real Junta de Fomento, pr. S. M.

Certifico: Que entre los papeles pertenecientes al archivo particular de la Provincia de San Agustin de la Florida, que obran en el general de Real Hacienda á mi cargo, se encucutran origma les, los documentos que á la letra son como sigue.

“San Agustin y Julio dos de mil setecientos sesenta y cuatro— confieso por este haber recibido de Don Juan Jose Eligio de la

the year 1763, conferred upon Don John Joseph Elijah Puente, in order that he might collect the effects and property of his majesty, as well as of private individuals, which remained in the city of St. Augustine, from which it may be deduced; that the entire province was evacuated in the following year; there are on file regular accounts of all that was permuted, sold, or conveyed to this post, and substantiated in the most clear and satisfactory manner.

There was found great difficulty to realize, with that promptitude which the last treaty of peace with Great Britain required, much of the property of the State, as well as that of citizens who had emigrated to this island; and, being desirous to save it all before it should fall into the power of that nation, as set forth in the 20th article of the preliminaries of said treaty of peace, it was stipulated with Mr. John Gordon to sell, or pass over to him in confidence, the dominion of the Episcopal House for one thousand dollars, the convent of St. Francis for one thousand five hundred dollars, the church of our Lady of Milk for three hundred dollars, and to Jesse Fish, the lot of ground and walls of the new church for one hundred dollars, to whom was, in like manner, sold in confidence, all the houses and lots belonging to citizens situated to the north and south of the entrance to the governor's house. An obligation was subscribed by both purchasers, obliging themselves to sell them for, and on account of the State and owners of said property; declaring, at the same time, that they had not paid anything to the commissioner Elijah Puente. Such are the facts as set forth in the original documents executed by Gordon and Fish, on the 20th and 28th of July, 1764, of which the petitioner requires a certified copy; and, if your excellency esteems it proper, they may be furnished to him, or your excellency; may determine what, in your opinion, is most proper. Office of General Archives, May 19th, 1847.

Most excellent sir,

NATTES.

HAVANA, *May 20, 1847.*

In virtue of the preceding information, return these proceedings to the keeper of the general archives, in order that he may furnish to the petitioner the certified copies, which he solicits and deliver to him.

VILLANUEVA.

Joseph Rosary Nattes, honorary superintendent of the province, and keeper of the general archives of the royal treasury of the island of Cuba, and member of the royal society for the encouragement of industry, by order of her majesty.

Certieth that amongst the papers belonging to the particular archives of the province of St. Augustine, in Florida, now existing in the general archives of the royal treasury, under his charge, are found the originals, of which the following is a copy, word for word and letter for letter:

"San Augustine, July the second, one thousand seven hundred and sixty-four. I acknowledge to have received from John Joseph Eli-

Puente, un instrumento de venta á mi favor, del Convento de San Francisco, en cantidad de un mil quinientos pesos fuertes; y otro igual documento de la Yglesia de Nuestra Señora de la Leche-trescientos pesos, ambos en este; y sin embargo de ellos ofrezco y prometo el venderlos, y disponer de dicho Convento é Yglesia, con las mayores ventajas que me sean posible en beneficio de cuenta de sus propietarios, y remitir su importe al supradicho Don Juan, ó pagarlo á su orden."

"JOHN GORDON."

"San Augustin y Julio veinte de mil setecientos sesenta y cuatro. Confieso por este haber recibido de Don Juan José Eligio de la Puente, un instrumento de venta á mi favor, de la Casa Episcopal en esta, por la cantidad de un mil pesos fuertes, y sin embargo de el ofrezco y prometo el vender y disponer de la dicha casa con la mayor ventaja que me sea posible, en beneficio y de cuenta de su propietario ó propietarios, como de remitir el importe al supradicho Don Juan, ó pagarlo á su orden."

"JOHN GORDON."

Certifico asi mismo, que por otro documento encabezado asi Razon de las Casas y Solares que se hallan á la fecha sin vender, por no haber habido ni haber ninguno que quiera comprarlas, en cuya virtud, las traspaso bajo de confianza á Don Jessé Fish, vasallo de S. M. B., poniendole solo para la formalidad de la precisa escritura de venta, el valor de las cortas cantidades que se citaran al margen del nombre de cada persona á quien corresponden, y son á saber. Al sur desde la portada de la casa de los gobernadores," aparece incluso en las ciento ochenta y cinco posesiones, el solar y paredes dela yglesia Nueva, con valor de cien pesos; y al pié la declaracion del citado Don Jesse Fish, concebida en los terminos siguientes. Digo yó Don Jesse Fish, vasallo de S. M. B., que confieso haber recibido de Don Juan José Eligio de la Puente, apoderado general para la venta de los bienes raices y muebles de los vecinos españoles que fucron de este presidio, dos escrituras fechas á veinte y cuatro y veinte y siete del corriente mes y año, en que me otorga venta Real de todas las Casas y solares pertenecientes á dichos vecinos que se espresan enla razon antecedente; y por lor bajos precios que ván citados al margen del nombre de la persona á quien corresponde cada casa ó solar; sobre que declaro por este no le he pagado cosa alguna á cuenta de las referidas casas y solares, pues las mencionadas dos eserituras solo son de confianza, y para el fin de asegurarles el derecho á sus legitimós dueños, cuando lo pierdan, segun lo prevenido en el articulo veinte de los preliminares de la última paz; añadiendo tambien q. me obligo desde ahora y hasta que lo cumpla, á dar al enunciado Don Juan José Eligio de la Puente, ó á su voluntad, la mas puntual cuenta y

jah Puente an instrument of sale, in my favor, of the convent of St. Francis, for the sum of one thousand five hundred dollars cash, and likewise another document of the same class, for the church of our Lady of the Milk, for three hundred dollars, both in this place; notwithstanding which I offer and promise to sell and dispose of said convent and church to the best possible advantage for, and on account of, their proprietors, and remit the proceeds to the above-mentioned Puente or pay it over to his order."

"JOHN GORDON."

"St. Augustine, July the twentieth, one thousand seven hundred and sixty-four. I acknowledge to have received from John Joseph Elijah Puente an instrument of sale, in my favor, of the Episcopal house in this city, for the sum of one thousand dollars in coin, and notwithstanding which I offer and promise to sell and dispose of said house to the best possible advantage for the benefit of, and on account of, its proprietor or proprietors, and to remit the proceeds thereof to the aforementioned Puente, or pay it over to his order."

"JOHN GORDON."

I further certify that another document, whose caption is as follows, sayeth:

"Account of the houses and lots, which, up to the present, have not been sold for want of purchasers, for which reason they have been sold or passed over in confidence to Jesse Fish, a vassal of his Britannic majesty, giving him only for the precise formality of the case a deed of sale upon the margin, of which is cited the value of each property and the name of the proprietor. They are as follows: to the south of the front entrance of the governor's house there appears to be included one hundred and eighty-five possessions, amongst which are the lot of ground and the walls of the new church, valued at one hundred dollars. At the foot of that statement is found the declaration of the aforementioned Jesse Fish in the following terms: I, Jesse Fish, a vassal of his Britanic majesty, do hereby acknowledge to have received from John Joseph Elijah Puente, general commissioner for the sale of property, both moveable and immoveable, belonging to Spanish subjects who left this garrison, two deeds, dated one on the twenty-fourth and the other on the twenty-seventh of this present month and year, in which a real sale is executed to me of all the houses and lots belonging to the aforesaid subjects as expressed in the preceding account or note, and at the low prices stated in the margin, giving the names of the proprietors of each house and lot of ground, upon which I do hereby declare that I have not paid to him anything on account of the said houses and lots, and that the aforesaid deeds or contracts of sale were made in confidence, and for the purpose of securing to the legitimate owners their right therein, which they were about to lose under the provisions of twentieth article of the preliminaries for peace. I further add, that both now and hereafter I oblige myself to give to the aforesaid Puente, or to

pago, del procedido de las nominadas casas y solares, cuya venta ofrezco ejecutar, luego que haya compradores, con el mayor adelantamiento y estimacion que me sea posible; y para que así conste firmé el presente en San Augustin de la Florida, á veinte y ocho de Julio de mil setecientos sesenta y cuatro años; Jessé Fish."

Finalmente certifico, que del espediente instruido en esta ciudad, á consecuencia del auto de seis de Febrero del propio año de mil setecientos sesenta y cuatro, del Ylustrisimo Sor. Dr. Don Pedro Augustin Morel de Santa Cruz, Dignisimo obispo de la Santa yglesia catedral de Santiago de Cuba, para que se inventariasen los ornamentos, altares, efigies, campanas y alhajas pertenecientes á la yglesia Parsoquial y Cofradias de San Augustin de la Florida, que se trajeron á esta Plaza por Don Simon de Hita en la goleta titulada Nuestra Señora de la Luz, que la Ermita de Nuestra Señora de la Leche, estaba edificada estramuros de aquel presidio, conforme á las declaraciones ministradas por Don Juan Crisostomo de Acosta, vecino que fué de dicha ciudad de San Augustin de la Florida, y notario de su Curia Eclesiastica, y Mayordomo tambien de la yglesia Parroquial, remitiéndose á los Libros de su cargo, y á todos los antecedentes del asunto.

Y en cumplimiento del precedente decreto del Escmo. Sor. Conde de Villanueva, superintendente general delegado de Real Hacienda de esta isla, espido la presente, teniendo á la vista los precitados documentos, que quedan en esta oficina de mi cargo, y á que me remito. Habana y Mayo veinte y uno de mil ochocientos cuarenta y siete.

JOSÉ DEL ROS: NATTES.

CONSULATE OF THE UNITED STATES,
Havana, May 21, 1847.

I, Robert B. Campbell, consul of the United States of America for the cit of Havana, do hereby certify that the signature to the foregoing instrument of writing is the true signature of José del Rosano Nattes, the keeper of the records of the royal hacienda of the Island of Cuba, and his official acts are, in my opinion, entitled to faith and credence.

In testimony whereof, I have hereunto set my hand, and affixed
[L. s.] my seal of office, at Havana, on the day of the date
above written.

ROBERT J. CAMPBELL.

EXMO SENOR:

Con mucho sentimiento mio, tengo que participar á V. E., que ayer mañana á las nueve y media, al instante que salia por esta Barra, con destimo á esa, la Balandra Santa Catalina del cargo de Don Vicente Lardivol, con los pliegos del real servicio, y correspondencia publica, me sorprendió la noticia de fuego en los Cuarteles viejos ó Ingleses.

his order, a most punctual account, and payment of the proceeds of the said houses and lots—the sale of which I promise to verify as soon as purchasers may offer, and to the best possible advantage. In order that it may so appear, I sign these presents in St. Augustine, Florida, on this twenty-eighth day of July, one thousand seven hundred and sixty-four years.

“JESSE FISH.”

Finally, I certify that in the proceedings instituted in this city in consequence of the decree, dated February sixth, one thousand seven hundred and sixty-four, of the most illustrious Doctor Peter Augustine Morel, of Santa Cruz, the most worthy bishop of the holy Cathedral church of St. James, in Cuba, ordering an inventory to be made of the ornaments, altars, effigies, bells, and jewels, belonging to the parish church and religious associations of St. Augustine, in Florida, which were brought to this place by Simeon Hita, in the schooner named our Lady of Light, it appears that the hermitage or chapel of our Lady of Milk was built without the walls of the garrison of St. Augustine, which fact is substantiated by the declaration of John Chisostom Acosta, who was a citizen of said city of St. Augustine, in Florida, ecclesiastical notary and majordomo of that parish church, who refers to the books under his charge for the antecedents in the case.

In fulfilment of the decree of the most excellent count of Villanueva, delegated superintendent general of the royal treasury of this island, I have executed these presents, having before me the aforesaid documents, which remain in this office under my charge, and to which I refer. Havana, May the twenty first, one thousand eight hundred and forty-seven.

JOSE DEL ROS: NATTES.

[The above signature is duly authenticated by R. B. Campbell, United States consul at Havana.]

MOST EXCELLENT SIR: With great regret I have to inform your excellency, that yesterday morning at nine and half o'clock, being the same instant in which the sloop St. Catharine was crossing the bar, on her voyage to Havana, under the command of Vincent Lardisol, with despatches for the royal service and public correspondence, I was surprised with the information that the old or English barracks were on fire. In five minutes thereafter, notwithstanding

En cinco minutos, sin embargo de estar indispuerto, me hallé en el sitio, y conocí, á primera vista, que la voracidad de las llamas, se habia apoderado de tal suerte de la parte superior del edificio, que seria imposible atajarla aun exponiendo y perdiendo vidas, por cuyo motivo, y por la constante poca utilidad de la fabrica dedique mi cuidado á salvar los efectos de Artilleria, almacenados en los Cuarteles vajos, lo que se logró en la mayor parte, como asimismo el retirar todo lo perteneciente al destacamento de dragones, alojado allí, á escepcion de una porcion de maiz, y a cortar la comunicacion del fuego á las inmediatas Hayas, Cercas, y parque de Leña de provision, que tambien se logró, quedando, en dos horas, convertidos en ascuas ambos altos del expresado Cuartel, compuestos de madera, de las piezas vajas, y las Chimineas que son de ladrillo, con los Pilares de piedra, que sortenian las Galerias de maderamen, que en el primero y segundo alto daban buelta al edificio entero.

La oficialidad, y tropa del Batallon de Cuba trabajaron en su respectiva clase con esmero; debiendose lo que se ha salvado de efectos á su actividad y aun arrojo, sin que individuo alguno se haya desgraciado.

En primera ocasion detal'aré á V. E. todo el suceso, y sus resultas; siendome imposible egecutarlo en la presente; pero importa el hacer desde ahora presente á V. E., que a los apuros que me cercaban antes, se ha aumentado, con este estrago, el de la falta de Almacen para los efectos de artilleria de Cuartel para los dragones, y de Galera para los forzados, que es donde se conjetura principió el fuego, bien que se ignoran las circunstancias.

Dios guarde á V. E. muchos años San Agustin de la Florida, 26 de Mayo, de 1792.

Señor Don LUIS DE LAS CASAS:

[Se copio á la Capitania General y al Exmo Sor. Ministro de Hacienda en 15 de Noviembre, de 1800.]

I, Antonio Alvarez, keeper of the public archives of East Florida, do hereby certify the foregoing to be a true and correct copy of the original rough draught, on file in my office, of an official letter, marked No 270, from the governor of East Florida to the Captain General of Cuba.

Witness my hand and seal of office, at the city of St. Augustin, State of Florida, this eighth day of December, A. D.
[L. s.] one thousand eight hundred and forty-seven.

ANTONIO ALVAREZ, K. P. A.

my indisposition, I was upon the spot, and at once saw that the devouring flames had taken such complete possession of the upper story of the building that it was impossible to arrest their progress, even at the expense of life; for which reason, together with the well known trifling value of the edifice, I devoted all my care to saving the effects belonging to the artillery, which were stored in the lower apartment, which was, in a great measure, effected. Almost all that belonged to the detachment of dragoons, who were quartered therein, was in like manner safely gotten out, except a lot of corn, which was destroyed. The fire was arrested in its progress to attack the neighboring buildings, in which were deposited the fixed ammunition, provisions, and wood, for the use of the garrison. In two hours everything inflammable about the building was converted into cinders; the upper story being of wood, was all destroyed, and of the lower story, nothing now remains except the walls and chimnies, which were of brick, together with the stone pillars which supported the galleries on all sides of the building.

The officers and men of the Cuba batallion, all in their proper sphere, labored with great zeal and activity, to which alone we are indebted for all that was saved. No person was injured.

At the earliest opportunity I will give your excellency the details of the affair, together with the results, which I find it impossible to do at present. It is important that I should make known to your excellency that the difficulties which before surrounded me have been greatly augmented by this misfortune, which has left me without a place to secure the artillery property, and without quarters for the dragoons, nor have I any place for the prisoners who are forced to labor. It is conjectured that the fire commenced in their quarters, but how or in what manner has not been ascertained.

God preserve you many years. St. Augustine, in Florida, May 26, 1792.

Sir Don Louis Casas.

[This was copied for the captain general and for the most excellent minister of the treasury, on the 15th of November, 1800.]

I, Antonio Alvorez, keeper of the public archives of East Florida, do hereby certify the foregoing to be a true and correct copy of the original rough draught on file in my office of an official letter, marked No. 270, from the governor of East Florida to the captain general of Cuba.

Witness my hand and seal of office, at the city of St. Augustine, State of Florida, this eighth day of December, A. D. one thousand eight hundred and forty-seven.

ANTONIO ALVOREZ, K. P. A.

Sacro Sancti et Œcumenici Concilii Tridentini, Paulo 3d, Julio 3d, et Pio 4th, P. P., M. M., celebrati canones et decreta.

SESSIO XXII, DE REFORMATIONE.

CAPITULO XI.

Bonorum cujuscumque ecclesiæ, aut pii loci puniuntur.

Si quem clericorum, vel laicorum quacumque is dignitate, etiam imperiali aut regali præfulget, in tantum malorum omnium radix cupiditas occupaverit, ut alicujus ecclesiæ sæcularis vel regularis beneficii, montium pietatis, aliorumque piorum locorum jurisdictiones, bona, census ac jura, etiam feudalia et emphyteutica, fructus, emolumenta, seu quascumque devotiones quæ in ministrorum et pauperum necessitates converti debent, per se vel alios, vi vel timore encuso, seu etiam per suppositas personas clericorum aut laicorum, seu quacumque arte, aut quocumque quæsito colore in proprios usus convertere illosque usurpare præsumpserit, seu impedire ne ab iis ad quos jure pertinent, percipiantur, is anathemati tamdiu subjaceat, quamdiu jurisdictiones, bona, res, jura, fructus et redditus quos occupaverit, vel qui ad eum quomodocumque, etiam ex donatione suppositæ personæ, pervenerint, Ecclesiæ, ejusque administratori, sive beneficiato integre restituerit, ac deinde a Romano Pontifice absolutionem obtinuerit. Quod si ejusdem Ecclesiæ patronus fuerit etiam jure patronatus ultra prædicas penas eo ipso privatus existat. Clericus vero qui nefandæ fraudis et usurpationis hujusmodi fabricator seu consentiens fuerit, ejusdem poenis subjaceat necnon quibuscumque beneficiis privatus sit, et ad quæcumque alia beneficia inhabilis efficiatur, et a suorum ordinum executione, etiam post integram satisfactionem et absolutionem, sui ordinarii arbitrio suspendatur.

Febr. 6, de 1764.

En esta fecha y a consecuencia de haber arribado a este puerto la goleta Nbra Senora de la Luz conduciendo los altares, efigies, ornamentos, ahajas, campanas pertencientes a la yglesia parroquial de San Augustin. de la Florida, y a los cofrodias fundadas en ella y en el convento de San Francisco se formo espediente para inquerir la propiedad de cada una de las pisas para darlas a su correspondiente destino. Tomaronse declaraciones e informes de diferentes personas, etc., etc.

Mayo 21, de 1791.

Por Real orden de esta fecha y a propuesta del gobernador de San Augustin de la Florida se mandó que se llevase a efecto la

Canons and decrees of the Holy Council of Trent, held under the pontificates of the popes, Paul the 3d, Julius the 3d, and Pius the 4th.

SESSION 22d, ON REFORMATION.

CHAPTER XI.

The usurpers of any church property, or of a pious place, are punished.

If any one, clergyman or laity, whatever may be his dignity, would he be an emperor or a king, is brought by his covetousness, that source of all evils, to usurp the jurisdictions, property, rents, and rights, even feudal and emphyteutick fruits, emoluments of any church, secular or regular, mounts of piety, or of other pious places, or will have turned into his own use, by himself or by others, by force, or by inspiring fear, or even with aid of a clergyman or laity, or by whatever means, and under whatever color it may be, incomes destined for the support of the clergy, and the maintainance of the poor, and will dare to usurp them, or prevent those to whom they belong from receiving them, let him be under anathema till the jurisdictions, goods, property, rights, fruits, and incomes, which he will have usurped, or which came to him, in whatever manner it might be, even from a donation of a supposed person, will have been altogether restored to the church, and to its administrator, or to the one who holds the benefice, and will after having obtained the absolution of the Roman Pontiff; and if he be the protector of that church, besides the aforesaid punishments, let him, by the fact itself, be deprived of his right of patronage. As for the clergyman, who shall be found guilty of this impious fraud or usurpation, or will have given his consent to it, let him be subject to the same chastisement; moreover, he shall be deprived of whatever benefice he may have, and rendered unfit for any other, and even after the full restitution and absolution, let him remain deprived of the exercise of the functions of his order as long as his bishop will deem it proper.

February 6, 1764.

At this date, the schooner of Our Lady of the Light having arrived at this place, carrying the altars, images, ornaments, and bells, belonging to the parochial church of St. Augustine of Florida, and to the convent of St. Francis, they took the declaration of, and information from divers persons, in order to know to whom belonged each object, and give it to its owner.

May 21, 1791.

By a decree of this date, and on the demand of the governor of St. Augustine of Florida, orders are given to put in execution the

traslacion de los cuatro sacerdotes irlandeses para el prato espiritual de aquella provincia prometidos en la de 5 de Abril de 1786. Se dispuso que en la primera ocasion passaran tres de conocida virtud y literatura que lo fueron D. Marcos Barry, † D. Miguel Crosby, y D. Miguel Wallis Carmelita, calzado. A quienes acompañaria otro Religioso Minorquin o inteligente en el idioma, a los quales se debian colocar de acuerdo con el Reverendo Obispo diocesano, o con quien ejerciera en la provincia la jurisdiccion espiritual, fijando su residencia, dos de los Irlandeses en los partidos de San Juan y Santa Maria para que entendieran en el catequismo y predicacion, no permitiendo se les á aquellos habitantes la celebracion de matrimonios clandestinos, o more anglicano, ni el ejercicio publico de otra religion, y tambien que se edificaran y adornaran dos hermitas; una en el partido de San Juan, y otra en el de Santa Maria, etc., etc. Se hace referencia tambien á los dos religiosos observantes, etc., etc.

May 21, 1791.

transfer of the four Irish priests promised in the ordinance of the 5th of April, 1786, for the spiritual good of that province. It was decided that by the first opportunity should go there three, of known virtue, and well versed in literature, and D. Marcos Barry,* D. Miguel Crosby, and D. Miguel Wallis Carmelite, wearing shoes,† were appointed; they were to be accompanied by another Minorcan religious, or understanding the Minorcan language.‡ They were to place themselves according to the direction of the bishop of the diocese, or of the one who exercised the spiritual jurisdiction over the province, fixing their residence, two of the Irish, one on St. John's river, the other at St. Mary's, to teach catechism and preach. They were not to permit clandestine marriages, or according to English fashion, to the people, nor the public exercise of any other religion; they had also to build and adorn two chapels, one on St. John's, and the other on St. Mary's, etc., etc.;§ there it is spoken also of the two religieuse of the observance, etc., etc.||

ERRATA.

Read "has been," for "shall be," on page 13, line 19 from the top.

Read "The Kings of the Order of St. John," same page, line 24.

Read "Governors," for "convents," page 13, line 6 from the bottom.

WASHINGTON, April 12, 1848.

The foregoing translation from the Spanish language, of various documents which accompany the memorial of the Rev. Benedict Madéore, addressed to the Senate of the United States, is correct.

JOHN BALDWIN.

* He did not come, Augustus McAfry took his place.

† He had already passed to the Dominican order, and died in their convent at Havana.

‡ El Padre Narciso Catalun, came as knowing the Minorcan language.

§ They arrived here in 1795, and the Wagon war, which lasted the two years of 1795 and 1796, prevented them from building their chapels.

¶ The two religieuse of the observance who came here, on the application of the Franciscan friars, on the 5th of April, 1786, to re-establish their convent, were friar Trocona, who taught school, and friar Juan for the troops.

No. 1.

STATE OF FLORIDA, *county of St. John's:*

Personally appeared, Antonio Andreo, Francisco Triay, and John Leonardy, inhabitants of the city of St. Augustine, being duly sworn, says, that when the Roman Catholic church of the said city of St. Augustine was finished, that the inhabitants of the city contributed, according to their means, towards the expenses of the building, and that the repairs that were afterwards made were always on account of the congregation; and that the king of Spain never claimed it as his own property.

ANTONIO ANDREO,
his
FRANCISCO × TRIAY,
mark
JUAN LEONARDY.

Sworn to before me the 27th day of December, 1847.

E. B. GOULD,
Judge of Probate, St. John's county.

No. 2.

STATE OF FLORIDA, *St. John's county:*

Personally appeared, Francisco Triay, being duly sworn, says, that he recollects well that the Franciscan convent, in the city of St. Augustine, was occupied by friars until the barracks were burnt in 1792 or 1795, for he cannot particularly recollect. And John Leonardy and Antonio Andreo, being also duly sworn, say, that they do not recollect whether friars occupied the convent or not, but, that they remember that the convent was not occupied by soldiers until the barracks were burnt.

his
FRANCISCO × TRIAY,
mark
JUAN LEONARDY,
ANTONIO ANDREO.

Sworn to before me the 27th day of December, 1847.

E. B. GOULD,
Judge of Probate, St. John's county.

No. 3.

STATE OF FLORIDA, *county of Duval*:

Personally appeared before me, Henry Hartley and John M. Bowden, who, being duly sworn according to law, deposed and said, in about the year of 1797 or 1798, we have seen the friars from St. Augustine on St. Johns, sometimes two and sometimes three at a time for mission.

HENRY HARTLEY,
his
JOHN M. × BOWDEN.
mark

Sworn to and subscribed before me, this the 11th January, 1848.
JOHN M. J. BOWDEN,
Justice of the Peace.

No. 4.

STATE OF FLORIDA, *county of St. John's*:

Personally appeared, Antonio Andreo, John Leonardy, Francisco Triay, George Cla, and Bernardo Segui, inhabitants of the city of St. Augustine, who, being duly sworn, say, that the king of Spain always maintained a free school in the said city, which said school was continued until the Floridas were transferred to the United States; and that he always, until the same period, defrayed the expenses of the Catholic church.

ANTONIO ANDREO,
JOHN LEONARDY,
his
FRANCISCO × TRIAY,
mark
GEORGE CLA,
B. SEGUI.

Sworn to before me the 27th day of December, 1847.
E. B. GOULD,
Judge of Probate, St. John's county.

No. 5.

STATE OF FLORIDA, *county of St. John's*:

Personally appeared, Antonio Andreo, John Leonardy, Francisco Triay, George Cla, and Bernard Segui, who, being duly sworn, say, that, from their earliest recollection, the lot of ground on the

southwest of the public square, and which is now occupied by the Episcopal church, was always regarded as belonging to the Catholic church, and that the house standing on the lot was occupied as a church for thirteen or fourteen years; that is, it was built for the bishops palace anterior to the British occupancy, and after the transfer to Spain in 1784, the building was occupied as a church for thirteen or fourteen years.

ANTONIO ANDREO,
JUAN LEONARDY,
his
FRANCISCO × TRIAY,
mark
GEORGE CLA,
B. SEGUI.

Sworn to before me the 27th December, 1847.

E. B. GOULD,
Judge Probate, St. John's county.

No 6.

STATE OF FLORIDA, *county of St. John's:*

Personally appeared, John Leonardy and Francisco Triay, being duly sworn, says, that the church of the Lady of the Milk, situated on a creek of that name, and north of the city, was used as a Catholic church, and the ordinances of that religion were performed there after 1784; and John Leonardy and Francisco Triay further say, that the lot upon which the said church was built was always regarded by the inhabitants as church property till 1821.

JUAN LEONARDY,
his
FRANCISCO × TRIAY.
mark

Sworn to before me the 27th day of December, 1847.

E. B. GOULD,
Judge of Probate, St. John's county.

NOTES AND MEMORANDA, BY PETITIONERS.

Saint Augustine's church.—See plan, block 18, No. 142.

By an act of Congress, under the date of February 8, 1827, the possession of the parochial church, with its dependencies, is confirmed to the catholic congregation, with the reservation that they cannot change its destination without the special permission of Congress.

As they had no priest at that time, and the bishop lived too far to take care of this property, the congregation applied to the territorial legislature to be allowed to administer it themselves, by means of trustees. The favor was granted; but with the condition that if the administrators should eventually, and by whatever means it might be, add to their church property a value rising over twenty-five thousand dollars, the balance should be thereby confiscated in favor of the said territory.

But this church was, from the beginning, a private property, belonging to the catholic congregation who held it, not as subjects of the king of Spain, but as parishioners of the bishop of this diocese, so that they could not lose it by the change of their sovereign, but by the change of their religion; hence the treaty of 1819. And our constitution render null these two acts, by securing to us our liberty as free citizens, and our religious privileges as a congregation lawfully constituted, and leave no more right to the United States over that church than had the king of Spain, who, as every faithful, could go there to discharge his religious duties, but not as asking to exercise any act of authority without the permission of the bishop.

In 1764, it was sold as private property, by Don Juan Jose Eligio de la Puente, who was appointed, by the Count de Recha governor of the island of Cuba, to secure all that which belonged to private individuals from being disposed of by the British, according to the twentieth article of the preliminaries of peace between England and his catholic majesty. Mr. Jose Fish bought it in confidence to hold it in trust for its lawful owners, as it is evident by the deed.—See the transaction hereto annexed—translation, page 27, and original documents, page 26.

During the British time, the family of Fish held it unmolested as private property, and in 1784 it was given back, not to the Spanish government, but to the very Reverend Thomas Hassett, pastor of the congregation and vicar general of the province, with all the other places belonging to the church; consequently, this church was finished with ecclesiastical resources and the aid of the people, without the help of the government. Thus, we find that the king sanctioned, on the 17th of April, 1790, by a decree, the application of the rent of ten lots which the catholics of Saint Augustine had in the city of Havana, island of Cuba, to finish that church. [The decree is at Havana, real hacienda.]

They employed also the stone of two ancient churches: the stone of that of Tolomato, whose steeple only was still then in existence, (see the ancient map drawn in 1787, where you will find it pointed out,) and the stone of that of Our Lady of the Milk, from Topoqui camp.

The inhabitants of this city state that the money coming from the rent of their ten lots being exhausted, they were all applied to freely contribute to finish their church, and all helped according to their means. Those who were poor gave their labor; the farmers sent eggs, vegetables, fowls, &c., which were sold, and the price was for the church building. Those who were paid by the government, for whatever purpose it might be, willingly left a part of their salary for that object. Being at last completed, it was blest on the 8th of December, in 1791. From that time down to 1821, the civil government always regarded it as the private property of the catholic congregation, and not as that of the subjects of the king of Spain, and, therefore, never interfered with it in anything, according to the canon law; hence, the United States would not have from the king any right to that church, could he have pretended to give it to them. We, therefore, ask them to restore it to us in conformity with the 5th article of the treaty of 1819. "The inhabitants of the ceded territories shall be secured in the free exercise of their religion without any restriction," in order to be held by us accordingly.

For the proof of the foregoing assertions, see the affidavit No. 1, page 36.

Convent of St. Francis, or Mission of St. Helena of Florida.

The Franciscan friars who founded the convent of St. Augustine, came from the convent of Pedroso, diocese of Palamta, in Spain. A small body of them were present at the foundation of St. Augustine, in 1565, and continued to be very few till the year 1592, when we find Father Francis Marron, Custos in Florida. (Torquemada Monarquia Indiana, vol. 3, c. xx, p. 550).

The convent was then founded, otherwise Father Marron would not have been appointed Custos. As long as it was a simple mission, the friars of St. Helena's mission depended on the convent of St. Christopher, of Havana, for the spiritual as well as for the temporal.

In 1608, the Father Peter Ruis, Custos of St. Augustine's convent, went to Spain to obtain the erection of that convent in a capitular house, (head-quarters,) and Father Bernardo Salva, commissary general of Indias, gave his charge on that account in 1609. (See the authentic copy, page 11, and the original, page 10).

In 1610, the king chartered this convent as a capitular house, and enforced the charge of Father Bernardo Salva. (See the royal decree, translation page 17, original documents page 16).

John Lee Williams, in his history of Florida, says, "It was here that the See of Rome chartered a great religious province under

the order of the Franciscans. It was called St. Helena, and all the minor establishments throughout the province were represented at the great Franciscan house at St. Augustine." Hence, St. Francis's convent was from the beginning a church property, built and repaired with ecclesiastical incomes. In 1703, when Colonel Daniel burned up the churches, and injured much the other buildings consecrated to religious purposes, they received at St. Augustine, to repair them, twenty thousand dollars from ecclesiastical incomes of the bishoprics of New Spain. (See a royal decree of the 21st of April, 1714, in the royal hacienda at Havana.)

The king sent twenty thousand dollars more to repair the buildings belonging to the crown; as we see in a decree of November 7, 1720, in which the authorities of St. Augustine are severely reprimanded for having diverted these funds from their destination, and are commanded to employ them to the purpose for which they are sent; and consequently, in a decree of December 18, 1723, the king gives order to procure officers and workmen in a number sufficient to repair at once the convent, the parochial church, and the wall of the city. Thus, the convent founded with the help of the convent of St. Christopher of Havana, was repaired with ecclesiastical incomes, so that the king had no right on it. We see, in fact, that the bishop had the entire management of it, and that this house enjoyed all the privileges granted by the councils to free and private property belonging to the church. The governor himself could not go there, even to extract a culprit, without the permission of the bishop, as it happened in 1737, on the 22d of March, when we see that the governor wrote three times to the bishop to obtain permission to go there to take Del Moral from it. (See an extract of the letter, translation page 20, original documents page 21).

In 1763, when the British made the final arrangement with Spain, it was agreed that his Catholic majesty should leave to them all what belonged to the crown at St. Augustine. Then the king delivered to them, without any precaution, all the public property, as the Fort, the governor's house, the hospital, the shop, the barracks, and the parochial church; whilst the convent, with the other places claimed by the Catholics, were sold as private property, according to the 20th article of the preliminaries of peace, where it was stated that the private property should be disposed of in the space of eighteen months. The Count de Recha, governor of the island of Cuba, appointed Don Juan Jose Eligio de la Puente to sell the private property, which he did in 1764, and John Gordon bought this convent in confidence, and held it in trust till the year 1784, when the Spaniards came back to Florida. (See the translation, page 25, and original documents, page 24).

Neither the Spanish government, nor the friars, gave up the hope of re-establishing the mission of St. Helena. Worldly politics on one hand, and holy zeal on the other, were too much interested in the existence of that convent, the head-quarters of the mission of all Florida and the main part of the West Indies, not to cherish the hope of reducing once more the fearless savage by the

light of the gospel and the image of the cross. Consequently, we read in a document to be found at Havana, in the royal hacienda, that on the 6th of February, 1764, divers objects having arrived from St. Augustine to that port, as it is stated, (translation, page 21, document, page 20,) the Right Reverend Bishop D. Pedro Augustin Morel de la Cruz sent for D. Juan Cresostom de Acosta, and for others who had come from St. Augustine, to recognise and separate the objects belonging to the confraternity of St. Francis's convent from those which belonged to the parochial church, in order to restore them to their former destination.

In 1784, the convent was given back with the other property to the church, and in 1786, the friars obtained permission to re-establish their convent and their mission. The decree is of the 5th of April. Two friars came to St. Augustine, Friar Trocomes, who taught here the school, and Friar Juan,* for the garrison; and others were promised in the same decree, but they did not come. And we see in a decree given on the request of the governor of St. Augustine, in 1791, on the 21st of May, to fulfill the promise of the 5th of April, 1786, four religious missionaries must pass to St. Augustine by the first opportunity. (See page 32-33).

But they were not at the end of their trials. On the 25th of May, 1782, the barracks were destroyed by fire, as it appears by the copy of a letter to the governor of Havana. (See page 28; documents, page 29).

Then the king, with the permission of the bishop, quartered his troops in the convent till he would have prepared another place for them. But his enemies did not give him time to put up another building. They had enough to defend themselves; for it was precisely in this year, that Bowles caused such a disturbance round St. Augustine, that every one was in arms. The bishop had, therefore, a good reason to allow him to occupy the convent for the time being; for the king could not hold that property without his consent. It was against the canon law, which is a constituent part of the Spanish code, and one of the strongest pillars of its throne, to which, therefore, the king was obliged to be true. Six councils had already inflicted severe punishments on those who would not respect church property, when, in the middle of the sixteenth century, the general council of Trent passed the following solemn and severe sentence, to which the king subscribed, and had it published from the pulpit of every parish church of his kingdom:

"If any one, whosoever he may be, priest or layman, emperor or king, usurp any church property, or anything relating to pious purposes, or deter the incomes thereof from their natural destination, let him be under anathema till he will have restored them; and if he be the protector of that church, besides the aforesaid pains, let him be, by this self fact, deprived of his right of patron-

* NOTE.—Besides these friars, others came and occupied, with the former, the convent till 1792, as it is proved by the affidavit No. 2, page 27.

age. (Concilium triden. Sep. 22, chap. 11. See all the passage page 32-33).

At last the missionaries promised in 1791, on the 21st of May, arrived at St. Augustine in 1795. Two of them were to establish themselves in the mission, and commence to found churches, one on St. John's river, and the other at St. Mary's. (See a copy of the decree to be found in the real hacienda, page 32-33).

They did visit the mission, and tried to fix themselves there; but the wagoner's war, or, as some call it, the first McIntosh war, which took place in 1795-6, did not leave them to carry on the plan of minor establishments. A part of their commission was, not to let the people of the country marry clandestinely, and so they did. (See 34-35).

Many persons still living in this city have seen heard these missionaries, who were Father Narriso, D. Miguel Crosby, Friar Miguel Wallis, and Friar McAfry Catalan, speaking the Minorcan language, in conformity with the request of the governor and the decree of 21st of May, 1791.

Hence, the king of Spain, not considering himself the owner of that convent, never took a formal possession of it; and though it was in a very delapidated state, and unfit to be occupied, as it may be seen by the inventory made by Ramon de la Crus, in 1821, he never made there any repair, as fully appears by No. 5, of said inventory, which gives a description of all the building.

Moreover, the king maintained, at his own expense, the free school kept by the friars, and furnished the church with whatever it was in need of. We are inclined to believe that it was on these conditions that the bishop allowed him to use the convent till he would have prepared another place for his troops. For these two last assertions, see affidavit No. 4, page 37.

Bishop's House or Ancient Church.

We read in the inventory made by Ramon de la Crus, the following phrase, No. 16th: "By the square, block 23d, lot 164, was found the ancient church, of which nothing remains but the place."

On the 8th of February, 1827, Congress, deceived by a mistatement from the Episcopalian congregation, granted to them this lot in the following terms: "The old Episeopal church lot is hereby relinquished and confirmed to the incorporated Episcopal church of St. Augustine." Acts of Congress, 1827, February 8, chapter 345, section 3d.

Not only the lot claimed by that congregation did not belong to them, but their church itself is built on the ground formerly occupied by the house of the coadjutor bishop of Havana, who resided at St. Augustine, and discharged his duties as if he had been the bishop of Florida. We can still show the foundations of that house before the very door of the church; but the following warranted statement will prove both our rights and the mistake committed by those who claimed that place as their own.

In the year 1763, the British took possession of Florida, and the

Catholics gave them the use of their parochial church, the church of our Lady of the Angels, which they held till the year 1784. In the year 1764, Don Juan Jose Eligio de la Puente, appointed by the Count de Recha, governor of the island of Cuba, sold this house, in confidence and trust, as a private property belonging to the Catholics, to Mr. John Gordon. See the document, page 26, and translation, page 27.

Mr. Gordon let the British use it as a court-house, in 1784 it was given back to the very Rev. Thomas Hassett, and the Catholics having then no church, St. Augustine's church was not finished, and that of our Lady of the Angels was no more fit for the divine service, they made a church of that house by joining together two large rooms up stairs, and down stairs it was occupied, the north-west by soldiers, as a guard-house, and the balance by the sexton Mr. Capo and his family, of which two members are still alive, Mrs. Raphaela Ortigas, and Antonio Capo, who can testify to the truth of this statement.

At the end of 1797, in December, St. Augustine's church being completed, the Catholics made no use of that ancient church, which was falling down. The guard was removed by the hospital, and in the course of time the building was destroyed, and every one took a part of the materials when in need of; but the lot was, of course, always considered as church property. In 1821, it had the fate of all the other property belonging to the Catholics, and in 1822 or 3, the Episcopalian congregation built a church on a part of that lot, and claimed the balance as their own, stating that it was the site of the ancient Episcopal church, and Congress granted it to them. See affidavit No. 5, page 37.

Our Lady of the Milk. The great mission, or Topoqui Camp.

Out of the gates of the city of St. Augustine, on a small creek, called in Spanish el Caño de la Leche, existed a church, dedicated to the blessed virgin Mary, under the title of our Lady of the Milk. See document, page 28, translation, page 29.

Before we proceed any further, we must relate some circumstances calculated to throw a great light on our narration, and show that we have an undisputable right on Topoqui camp, or the great mission.

At an early period after the foundation of St. Augustine, say the historians, (see *Ensayo Crono.* 1671. *Torquemada monarquia Indiana* v. 3. c.xx p. 550. John Lee William's, 1574, page 175,) the Indians became very hostile to the Spaniards, and were determined to destroy them to the last. The Franciscan friars were sent among them, and by the mildness of their manners, and by teaching them the art of civilized life, they acquired a complete ascendancy over their minds. But above all, the Yamasees became their friends, and a part of them placed themselves near the barracks, another part in Tolomato, and the main body established their camp on a tract of land given to the missionaries. As their change was the conquest of religion, nothing but religion could render them kind

and faithful to their new friends; whilst therefore the father Blas Rodrigues de Montes was erecting the high cross of mission in the middle of the powerful camp of Topoqui, the children of the officers and soldiers of his Catholic majesty were making collections among themselves, to help the missionary to build, in the same camp, the church of Our Lady of the Milk. (From an authentic record in the real hacienda at Havana.)

In the year 1764, the church of our Lady of the Milk was sold as private property, belonging to the Catholic congregation, by D. John Jose Eligio de la Puente, their attorney, to John Gordon, to hold it in trust and in confidence, till the Catholics could enjoy it. See document, page 24, translation, page 25.

In 1776 or 1778, when the Catholic colony came from near Smyrna, two families were allowed to cultivate this tract of land. Villalonga built a small house on the north side of the creek, and Anastasio Mabrumatez established himself on the south side of the creek.

In 1784, it was given back, with the other places belonging to the church, to the very Rev. Thomas Hassett, pastor of the congregation and vicar general of the province, and it was used for Catholic worship. See affidavit No. 6, page 38.

During the disturbance, caused by an Englishman called Bowles, they used it as a guard-house, and in 1796 the Catholics took down that building, in order to finish, with its stone, the church of St. Augustine, which was blessed on the 8th of December, 1797.

In the course of time, Anastasio Mabrumatez left the place, and Villalonga asked a written permission to cultivate the camp of Topoqui, so as not to be disturbed by any one; and it was always considered by all as a church property till 1821. After the cession of Florida, Villalonga sold his license of cultivating this tract of land to Mr. William G. Davis, to whom Congress gave it, on a simple application, in 1827.

Many persons, still living, have seen and even entered this church, and the statue which represented the blessed virgin Mary, watching from that church over the camp of these new believers, in her son's divinity, is still to be seen at Havana, island of Cuba, in the convent of Saint Teresa. See affidavit No. 6, page 38.

GENERAL LAND OFFICE, *February 29, 1848.*

SIR: I have the honor to return, herewith, certain papers which you filed in this office, viz: Two memorials, one (A) from Benedict Madeóre, vicar general of Florida, and pastor of the church of St. Augustine, the other (B) a memorial of the trustees and members of the Catholic church of St. Augustine, accompanied by a document (C) embracing evidence in support of the memorial, with a transcript (D) of the Spanish papers.

The object of these memorials is, to obtain the restoration of certain property to the Catholic church, which, it is alleged, was improperly conveyed to the United States at the cession of the Floridas by the treaty concluded in 1819, and ratified in 1821. In the memorial of the vicar general, it is stated, "that before and at the time of the cession of the Floridas to the United States of America," by the treaty of 1819, "the Catholic church was the lawful and rightful owner of, 1. St. Augustine's church; 2. The convent of Saint Francis; 3. The bishop's house; and 4. The church of our Lady of the Milk," &c.; that "in the confusion which occurred upon the cession of the Floridas by Spain to the United States, a part of this church property was taken into the possession of other than the legal and equitable owners, and has so remained out of the possession of the Catholic body to the present time," &c.; and the memorialist prays for an act of Congress to "provide for and direct the restoration of his church property, so wrongfully withheld, or make such other restitution therefor," as may seem meet and proper.

Our East Florida reports exhibit the following claims of the Roman Catholic church, viz:

No. 23. Being the claim of the wardens of the Roman Catholic church of St. Augustine, under Maria Evans, to a tract of $31\frac{1}{2}$ acres situated at a point called Esperanza, within the limits of the city of St. Augustine.

No. 24. Being the claim of the wardens of the Roman Catholic church under Juana Hambert, for a lot of land in St. Augustine, on which the church and school-house stand.

These two claims are entered on the report No. 8, dated 31st December, 1825, of the board of East Florida commissioners, and have been confirmed by that board. This report is found in American state papers, public lands, D. Green, vol. 4, page 286, their general report on page 275, &c., and their proceedings in these cases on pages 298, 299, 496.

This report was laid before the House of Representatives, with a letter of the 21st February, 1826, from the Secretary of the Treasury, (vol. 4, page 400;) and the favorable decisions of said commissioners on claims under 3,500 acres, have been confirmed by the 1st section of the act of Congress, approved 8th February, 1827, entitled "An act to provide for the confirmation and settlement of private land claims in East Florida, and for other purposes, in the 3d section of which it is provided that "the parochial church and burying-ground in possession of the Roman Catholic congre-

gation are confirmed to them, and the old Episcopal church lot is" thereby "relinquished and confirmed to the incorporated Episcopal church of St. Augustine: *provided always*, that the grants in this section specified, shall forever enure to the purposes for which they are confirmed, and shall not be alienated without the consent of Congress."

I am unable to determine, from the data before me, whether either of the aforesaid Nos. 23 or 24, is identical with any part of the premises referred to in the memorials.

The "parochial church and burying-ground," however, which are thus confirmed by the 3d section of the act of 8th February, 1827, *with a restriction*, to the Roman Catholic congregation, are presumed to embrace, "1. Saint Augustine church," mentioned in the vicar general's memorial, (see document C, pages 1 and 2,) which premises are now claimed by the memorialists in absolute right, as "private property" under treaty. The "old Episcopal church lot," relinquished, with a like restriction, by the said 3d section of the act of 8th February, 1827, to the "incorporated Episcopal church of St. Augustine," seems from the papers to be part of the premises referred to in the vicar general's memorial as "3. Bishop's house," and as held adversely to the Catholics. (See document C, pages 7, 8, and 30.

In regard to the property now claimed in the memorials, I have further to state that I find no official data or report in this office showing the precise extent and situation of the said property, nor the extent and nature of adverse interests on which to enable you to form an opinion on the merits of the present application, further than is indicated by the aforesaid act of 8th February, 1823, and the memorials and accompanying papers herewith.

With great respect, your obedient servant,

RICHARD M. YOUNG,
Commissioner.

Honorable H. JOHNSON,
Senate United States.

